



MINUTES
Planning & Zoning Commission
Tuesday, April 21, 2020
6:00 PM

ON-LINE MEETING

This agenda and the meetings can be viewed at www.Townofeagle.org.

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1.
 - Virtual Meeting Procedure
 - Register in advance for this meeting;
 - Registration URL: https://zoom.us/meeting/register/uJcrc-2qrliGlho87VDj7M_OUVBYvu8-g
 - Public comments can be made when the Chair opens the public comment. Please prompt through Zoom to raise your hand and you will be called on when it is your turn.
 - All public meeting attendees will be muted during the meeting unless the Chair or meeting facilitator invites them to speak live during the meeting.
 - Meetings are recorded and will be published on the Town's web page
 - For technical difficulties please email Bill.Shrum@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Chair Matthew Hood called the meeting to order at 6:01pm.

COMMISSIONERS PRESENT

Robert Townsend, Lani Webb, Jesse Gregg,
Matthew Hood, Charlie Perkins, Kyle Hoiland,
Brent McFall, Bill Nutkins

STAFF

Chad Phillips – Community Development Director
Angie Kyle - Administrative Tech II
Jessica Lake - Planner I
Peyton Heitzman – Planner I

COMMISSIONERS ABSENT

Brandy Reitter - Town Manager
Bill Shrum – Asst. to Town Manager

APPROVAL OF MINUTES *Approval of the minutes from the March 3, 2020 meeting of the Planning and Zoning Commission.*

1. March 3, 2020

MOTION: COMMISSIONER BILL NUNKINS MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BRENT MCFALL AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

Chair Hood opened public comment. There was no public comment.

The Town Manager introduced the new Community Development Director, Chad Phillips. Chad Phillips comes from Routt County with 35 years of experience in Planning.

The Town Manager left the meeting.

PUBLIC HEARINGS

1. Project: 446 Washington Street Zoning Variance
File # V20-01
Applicant: Tracie Schumacher
Location 446 Washington Street
Staff Contact: Jessica Lake - Planner I
Request: Zoning Variance to reduce the front yard setback from 25' to 2.6' to build a new garage with an accessory dwelling unit above.

Staff presented the standards of the variance request.

Q&A:

Commissioner asked to get a background of the property.

Applicant Tracie Schumacher responded that she owned the property for 9 years. Schumacher presented the plans for her garage location. She introduced Tom Boni who has been working with her on her project. Boni informed that the ADU is approved in the code. This variance is based on where the garage is being placed. Schumacher is requesting a 5-foot setback so she can keep the log building. Boni mentioned as Eagle continues to grow, he believes the 2.5 feet from the property line will give enough space for the town to create sidewalks along the block. Boni presented that the plans allow a 12.5-foot space between the proposed ADU and the existing log structure. The space between the building will be used for landscaping. Boni addressed Standard A.1.a, Standard A.1.b, Standard A.1d.

Commissioner asked if the garage would have access from the alley way. Boni responded that the access would be from 5th street and not the alley way.

Commissioner asked the size of the ADU, Schumacher responded that it is the size of a two-car garage, it is currently 24-feet deep by 21-feet wide. She is proposing 25-feet deep by 23 feet wide structure.

Commissioner asked how the ADU is going to be accessed. Schumacher responded that there is a parking spot next to it, and the ADU would be accessed by stair in the interior of her backyard. This is located on the West side of the building.

Commissioner asked if the setback is a hardship. Staff read a response from the Building Official, that addressed that if the accessory storage structures are "accessory and incidental" to the single family residence, then no separation requirements are needed between structures and wall rating or protection is not required if the storage shed is exempt from a permit (less than 120 square feet). A garage located on a property is also exempt from fire restive construction if it is at least two feet from the property line. In accordance to 15 IRC Sec R302.1 exceptions 2 and 4. An accessory garage that is incidental to the single family residence has a requirement for separation between dwelling and garage less than 3' requires the garage wall to be 1-hr fire resistive rated but no requirements for any set-backs between buildings. This does not include a garage with an accessory dwelling unit contained within it. That type of structure shall be five feet from the property or rated walls without openings if less than five from a property line."

Commissioner asked if the applicant has looked at other designs of the structure that would be possible to construct a 2-car garage and meet building code? Schumacher responded that she cannot get a 2-car garage in this space, it does not work with this

lot, because of the two side yards and proximity to the neighbors. She said that it doesn't work.

Commissioner asked what the feasibility is of using the shed. Schumaker said you can see the shed from the park, and she wants to repurpose it. She said that the public will be able to see it. From the downtown park perspective, she wants it to not look like a garage, and keep the building where it is at.

Commissioner asked if she could move the log structure to give more setback for the garage. Schumaker said no, she does not know where she would move it and that it would have to be removed. She feels that this solution is the least impactful to all the neighbors by leaving it where it is at.

Commissioner questioned Staff, if we are talking about this log structure as a historical structure, is there anything to say that it would have to stay there. Staff believes that the commission can request to move it. Commissioner clarified that if they approve, could the commission have a condition that the structure not be torn down. Staff responded that this would be a problem to enforce. In this application, Staff focused on the applicant keeping the log cabin in its original site.

Commissioner informed the commission that there is not a historic society for landmarks in Eagle. Schumaker responded that her log cabin is in the Eagle archive.

The commissioners addressed the fire code being the reason for the distance between the property line and the ADU to allow the applicant to install windows. Staff confirmed that it is from the property line. The 5 feet is for an ADU and not a structure. The 5-feet is for the windows for the ADU. The Commissioner addressed that the applicant could still build an ADU with a fire rated wall and no windows.

PUBLIC COMMENT:

Public Comment letters are in the packet, there was none that was added after the packet was published.

Chair Hood opened public comment at 6:59pm.

Jessica Von Stralendorff lives at 440 Washington St. and is the next-door neighbor to this property, she wrote in as opposition.

Chair Hood closed public comment at 7:04pm.

COMMISSION DELIBERATIONS:

Commissioner comment that he does not believe that the requirements for a variance have been met in application. Would be receptive to a future application with a greater setback. Not in support of request.

Commissioner commented does not see where the conditions have been met. Using the existing shed as a historical factor is not a valid argument. If the applicant comes back with an alternate setback, he may be more in favor.

Commissioner commends applicant for her willingness to make the property attractive. After reviewing packet and comments, it is hard to support the requested variance.

Commissioner said that this application needs to fit the code as much as possible.

Other Commissioners were in agreeance of the others that they are not in favor of this variance requested.

Staff recommends tabling this decision based on the comments on:

- Relocation of the log structure
- Alley access
- Reduction of the 12" space between garage and shed

Applicant Schumaker is willing to work with staff to present it revisions back to the commission.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO TABLE THIS DECISION AND PRESENT THE APPLICATION AT THE NEXT MEETING ON MAY 5TH, 2020. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

2. Project: Red Mountain Ranch Preliminary Plan/Final Plat
File # PPFP19-01
Applicant: Red Mountain Ranch Partnership, LLP
Eagle River Commercial, LLC
Griffin Development, LLC
Location Approximately 106 acres on the east end of the Town boundaries, south of Highway 6, north of the Eagle River.
Staff Contact: Carrie McCool - Contract Planner
Request: Request for concurrent Preliminary Plan/Final Plat to subdivide the 106.194 acre property of land into seven (7) parcels.

Carrie McCool presented the Project description and background.

McCool informed the Commissioners that there was one public comment that was received from Patrick Adler, who presented red lines to the following: access easement along HWY 6 Corridor does not accommodate the roundabout and that the 1.4 acre parcel dedicated to a non-profit education center was not identified.

Rick Pylman, with Pylman & Associates, Inc., commented that the dedicated parcel was dropped out of Area Plan 7, the eastern part, because of utilities. They took that out of the development plan. He mentioned that when they start the annexation, they will dedicate some of the parcels to the TOE.

Q&A

Commissioner commented that looking at the parcels and the open space on the PUD plan, it looks like the parcel extended to the north side of the river, on the final plat it looks like it extends to the center part of the river. Pylman informed the Commission that there are two open space parcels, the one on the south side of the river is dedicated to the Town of Eagle, the one in the center to the north will be zoned open space and owned by HOA.

Commissioner commented that with Parcel 5, he found an old Plat, in the mid-1980s, there was a parcel that was platted through Eagle County, under the same ownership but as a separate parcel that included the 50 ft. setback. This plan vacates the old plat.

Commissioner questioned that because the PUD has changed, are they going to come back with a PUD amendment for the PUD guide for the commission to review for approval. McCool informed that the applicant would address this when the application goes to Town Council. She informed the Commission that back in February and March in 2019, there were set conditions of zoning the final plat, and the applicant included them in the revised application that will be presented to Town Council. This is the 5th filing of Red Mountain Ranch. The Commission then asked if they are going to revisit the final PUD. McCool informed him that the next step is for the PUD to be reviewed and go to the Town Council.

PUBLIC COMMENT:

Chair Hood opened public comment at 7:52pm and to raise your hand in the zoom meeting to be called upon.

Patrick Adler, with Trinity Red Eagle Development, presented to the Commission the Exhibit A site plan that was recorded. He addressed that it illustrates the roundabouts,

and a lot of work has been done by Eagle River Station. This has been recorded and Red Mountain Ranch has to abide. In Parcel 3, it talks about a nature education center being dedicated to a nonprofit group. The roundabout is taking up a big chunk of this piece of property. Things that have been figured out have not been incorporated in final plat. He is requesting the commission to table this to address the things that have been planned.

Chair Hood closed public comment at 8:00pm.

Commissioner questioned Red Development if these comments were valid? McCool said that they are vested rights.

Commission asked if Adler's comments, in terms of roundabouts were correct. McCool said that the document that Adler presented is based on two landowners' agreement. As land development happens, McCool said that there are annexation, zoning, and platting processes. The applicant has worked hard with the neighbors. They were trying to engage the neighbor to the north and how to accommodate any roundabouts that CDOT would require, McCool said that this project is just not there yet.

Commissioner Charlie Perkins recused himself from voting.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO APPROVE THE REQUEST FOR CONCURRENT PRELIMINARY PLAN/FINAL PLAT TO SUBDIVIDE THE 106.194 ACRE PROPERTY OF LAND INTO SEVEN (7) PARCELS. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

3. Project: Talon Flats Minor Development Permit
 File # DR20-01
 Applicant: Bryan Desmond, Venture Associates, LLC
 Location 1203 Capital Street/761 Sylvan Lake Road
 Staff Contact: Carrie McCool - Contract Planner
 Request: Minor Development Permit approval for a mixed-use building with 1,264 square feet of retail space; 1,014 square feet of office space; and twenty (20) residential rental units.
 McCool informed that this project has received approval from Eagle Ranch Development Review Board.

The Town of Eagle standard if for the Fire Department to review the sprinkler and alarm when available. The infrastructure served by town existing construction has been approved; There is a deed restricted requirement however it is not under the Eagle County LERP program. Eagle Ranch was annexed in 1999, and, in the agreement.

ER does their own affordable housing program, so because the adopted annexation agreement was before the LERP requirement, this project is exempt from the town's LERP requirement.

McCool read the one Public Comment Letter:

April 21, 2020

To the Planning Commission

My name is Stephanie Glenwright and I live at, and own the loft unit 203 in the Addison building which will be most impacted by the proposed building of Talon Flats. I will miss my view out of my dining room as it will become Talon Flats and will no longer be able to enjoy the beautiful Christmas tree and all the year round activities that go on in this park like area.

The building is going to be higher than any on Capitol Street in Eagle Ranch Village. My handicapped husband and I think it will look grossly out of place. A 2-story building would have been tolerable.

One of my concerns is the lack of light between the proposed Talon Flats building and Addison Building. The snow will never be gone from the walk. We will not be able to walk to and from our front door, as it will be like the sidewalk behind Color Roasters Shop. To get to Color, the new shop going in and Endorphin, which we access almost daily, we have to use the street during the winter months. The street can be treacherous also but our only alternative. Despite shoveling, and snowmelt, it never melts. There will be no other access to our building, as my husband uses a walker and the stairs are out of the question for both of us, being in our eighties. All we can come up with is, a heated sidewalk. Also the lack of sunlight will not help any plantings to survive on either the Addison or Talon sides. It will not be a pretty entrance and up to Eagle Ranch standards.

My other concern is the dumpster. The heavy dumpster lid is difficult for most people to open. Now that the offices are not working the dumpster is essentially empty. However when the dentist and the realtors are open it can overflow. Also when the landscape company does its clean up, it can overflow. We do not have recycling so everything goes into this dumpster. It will have to be emptied more frequently or we will have trash and varmints all around it. This current community asset will become a detriment to our Eagle Ranch Village.

Sincerely,

Stephanie and Earl Glenwright

970-471-5287

steff@glenwright.com April 21, 2020

Staff recommends approval of DR20-01 with no conditions.

Q&A

Commissioner asked McCool if there are any requirements of a certain percentage of commercial in this zoning. McCool responded that they are just guidelines. She said she included it in the staff analysis. The guidelines say that there should be retail however this is over 20 years old. With the long-range goals and housing challenges, we looked at this and the guidelines are a "should" instead of a "shall" for retail and office.

Commissioner asked that if there are 77 remaining lots, after this development, will there be 57 remaining units. What happens to those remaining lots? Are those owners out of luck? Do ADUs count toward this? McCool responded that this is only parcel A the neighborhood center, this is a great question and a challenge with this PUD, the applicant might come forward with a 6th PUD amendment. Staff responded that the ADU does not apply to residential density, all the vacant lots are counted already for the 77 remaining lots. Staff counted a "lot" that hasn't been built on as a "lot in use". The 77 are from several developments that have not been built.

Glenn Harakal, Architect with Turnipseed Architecture & Construction Inc. commented that the Brush Creek building area in Eagle Ranch originally included a building on this lot. The intent was to share the lobby, elevator and a bridge.

Chair Hood opened Public Comment at 8:40pm:

Mick Daly, 1843 e Haystacker Dr. in Eagle Ranch is no longer on the Eagle Chamber of Commerce but of the town Economic Vitality Committee and 10 years as an Eagle Ranch resident. He stated that this is a much needed commercial and residential development. Once we are passed COVID19, in 2021 the demand for commercial will increase.

Close public comment at 8:44pm

Commissioner stated his support of the project, however he wished there were more commercial retail. For a small little Eagle Ranch town center, 4 units of residential is not worth taking away commercial and walkability. He would like to see more commercial. Overall, in general, he believes it is a great project.

Commissioner stated that he likes the project. He thinks that it has enough commercial. He likes the way the intersection at Capital street is building out. He would like to see the condition on the landscaping.

Commissioner asked if the applicant has done a study of the commercial need and if the ration makes sense. Harakal responded that the retail should be on Capital Street, if the frontage on Sylvan Lake Road is not commercial, that is ok. Harakal continued that he wants to see more commercial, but until there are completed neighborhoods like Haymeadow, he does not see the need for commercial.

Commissioner ask if the 4 residential units, could they become commercial in the future?

Harakal said that could be an option depending on the owner, if that is income that would come from those spaces. Harakal said that Commercial is hard to fill right now.

Joanna Hopkins of Hopkins Development said that the applicant has provided more than 15% of the landscaping, and it seems to be burdensome to go back over 20 years, on 171 acres.

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE REQUEST FOR A MINOR DEVELOPMENT PERMIT APPROVAL FOR A MIXED-USE BUILDING WITH 1,264 SQUARE FEET OF RETAIL SPACE; 1,014 SQUARE FEET OF OFFICE SPACE; AND TWENTY (20) RESIDENTIAL RENTAL UNITS. MOTION WAS SECONDED BY COMMISSIONER BRENT MCFALL AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

Nothing to report at this time.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

OPEN DISCUSSION

Staff mentioned that if there were any technical difficulties, to let Community Development know. Also, with a short agenda, we can talk more between staff and commission at the next meeting.

ADJOURN

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

APPROVED:

DATE:

Matthew O. Hood

Matthew O. Hood (May 11, 2020)

May 11, 2020

Matthew Hood, Chair



05-07-2020

Angie Kyle, Community Development Administrative Tech II